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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

Clark County Carpet Cleaning & Damage
Restoration, Inc., dba Free Republic Finance, and
Donald E. Railsback,
President and Designated Broker

Respondents.

NO. C-04-046-04-FO01

FINAL ORDER

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.440(1). On March 1, 2004, the Director through her designee Consumer Services Division Director and Enforcement Chief Chuck Cross, entered a Statement of Charges and Notice of Intention to Enter an Order to Revoke License and Prohibit From Participation in the Mortgage Broker Industry (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges that was successfully served was accompanied by a cover letter dated September 22, 2004, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Clark County Carpet Cleaning & Damage Restoration, Inc and Donald Railsback, President and Designated Broker. The Department of Financial Institutions of the State of Washington (Department) served the Statement of Charges, cover letter dated September 22, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Clark County Carpet Cleaning & Damage Restoration, Inc and Donald

FINAL ORDER –
CLARK COUNTY CARPET CLEANING & DAMAGE
RESTORATION, INC.

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8795

1 Railsback on Respondents by Certified Mail on October 5, 2004. Respondents have not requested an
2 adjudicative hearing within twenty days of service as required by Department rule WAC 208-08-050..

3 B. Record Presented. The record presented to the Director for her review and for entry of
4 a final decision included the Statement of Charges, cover letter dated September 22, 2004, Notice of
5 Opportunity to Defend and Opportunity for Hearing, blank Applications for Adjudicative Hearing for
6 Clark County Carpet Cleaning & Damage Restoration, Inc and Donald Railsback, and documentation of
7 service.

8 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the
9 Director hereby adopts the Statement of Charges, which is attached hereto.
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11 II. FINAL ORDER

12 Based upon the foregoing, and the Director having considered the record and being
13 otherwise fully advised, NOW, THEREFORE:

14 A. IT IS HEREBY ORDERED, That:

- 15 1. The mortgage broker license held by Respondent Clark County Carpet Cleaning &
16 Damage Restoration, Inc. be revoked; and
17 2. Respondent Donald E. Railsback be prohibited from acting as a principal or designated
18 broker for a licensed mortgage broker for a period of five (5) years;
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20 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent[s] has [have] the right to
21 file a Petition for Reconsideration stating the specific grounds upon which relief is requested. The
22 Petition must be filed in the Office of the Director of the Department of Financial Institutions by courier
23 at 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
24 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent[s]. The
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1 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
2 Reconsideration a prerequisite for seeking judicial review in this matter.

3 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date
4 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written
5 notice specifying the date by which it will act on a petition.

6 C. Stay of Order. The Director has determined not to consider a Petition to Stay the
7 effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial
8 Review made under chapter 34.05 RCW and RCW 34.05.550.

9 D. Judicial Review. Respondents have the right to petition the superior court for
10 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements
11 for filing a Petition for Judicial Review, see RCW 34.050.510 and sections following.

12 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for
13 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
14 attached hereto.
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17 DATED this 29th day of March, 2005.
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STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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Gloria Papiez
Acting Director